

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LEONARD GRUNSTEIN, JACK DWYER, and CAPITAL FUNDING GROUP, INC.,	:	
Plaintiffs,	:	07 Civ. 3712 (RMB) (RLE)
--against--	:	
RONALD E. SILVA; PEARL SENIOR CARE, LLC; PSC SUB, LLC; GEARY PROPERTY HOLDINGS, LLC; FILLMORE CAPITAL PARTNERS, LLC; FILLMORE STRATEGIC INVESTORS, LLC; DRUMM INVESTORS, LLC; and FILLMORE STRATEGIC MANAGEMENT, LLC.	:	
Defendants.	:	

## **NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss the Amended Complaint, the Declaration of Eric C. Kirsch and the Exhibits annexed thereto, the Declaration of Milton B. Patipa, the Declaration of Holly A. Jones, the Declaration of Ronald E. Silva, and all prior pleadings and proceedings heretofore had herein, defendants Ronald E. Silva; Pearl Senior Care, LLC; PSC Sub, LLC; Geary Property Holdings, LLC; Fillmore Capital Partners, LLC; Fillmore Strategic Investors, LLC; Drumm Investors, LLC; and Fillmore Strategic Management, LLC will move this Court, before the Honorable Richard M. Berman, at the United States Courthouse, 500 Pearl Street, New York 10007, in accordance with the schedule previously adopted by the parties (under which plaintiff will respond by September 14, 2007, defendants will reply by September 26, 2007, and oral argument will be conducted if allowed by the Court), for an Order pursuant to Rules 12(b)(1), 12(b)(2), 12(b)(3) and 12(b)(6) of the Federal Rules of Civil Procedure

dismissing this action with prejudice for lack of subject matter jurisdiction, lack of jurisdiction over the person, failure to comply with a forum selection clause, and failure to state a claim upon which relief can be granted, and granting such other and further relief as the Court deems appropriate.

Dated: New York, New York  
August 30, 2007

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